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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/912,646

07/24/2001

Steve Walrath

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05/01/2006

EXAMINER

POLLACK, MELVIN H

• KNOBBE MARTENS OLSON & BEAR LLP

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ART UNIT

PAPER NUMBER

2145

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/912,646	<b>Applicant(s)</b> WALRATH, STEVE	
	<b>Examiner</b> Melvin H. Pollack	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> .       |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 January 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.
3. The examiner has withdrawn all original art rejections in favor of new rejections.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4, 8-10, 11, 13, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Katinsky et al. (6,452,609).
6. For claim 1, Katinsky teaches a system (abstract) for providing a distributed software application (col. 1, line 1 – col. 3, line 5), comprising:

- a. A server (Fig. 1, #1020) comprising a stored (Fig. 10, #1010) electronic main page (Fig. 1, #10), wherein the main page comprises a first browser component (Fig. 1, #12 in view of Fig. 2, #22) configured to display a first electronic page (Fig. 2A) and a second browser component (Fig. 2, #22 and #28) configured to display a second electronic page within the main page (Figs. 2B and 2C);
  - b. A client computer (Fig. 10, #1030) comprising a browser program (Fig. 1) configured to establish a communication link with the server (col. 10, lines 15-20), download said first and second electronic pages (Figs. 11 and 12), and display the stored electronic main page (Fig. 2A), wherein said first browser component is active and displays said first electronic page to a user (col. 4, lines 25-60), and said second browser component is inactive and does not display said electronic page to the user (in Fig. 2A, the topics bulleted list electronic page is shown, while the news and people bulleted list electronic pages are hidden); and
  - c. At least one software control on the main page (Fig. 2, #22 and #28; tabs) for selecting between said first browser component and said second browser component (col. 4, lines 25-40), wherein selecting said first browser component results in said first electronic page being displayed to the user (Fig. 2A) and selecting said second browser component results in said second electronic page being displayed to the user (Fig. 2B).
7. For claim 10, Katinsky teaches a method (abstract) of processing information using a computer network (col. 1, line 1 – col. 3, line 5), comprising:
- a. Downloading an electronic main page from a server computer to a client computer (col. 10, lines 15-20), wherein the main page (Fig. 1, #10) comprises a first

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browser component (Fig. 1, #12 in view of Fig. 2, #22) configured to display a first electronic page (Fig. 2A) and a second browser component (Fig. 2, #22 and #28) configured to display a second electronic page within the main page (Figs. 2B and 2C);

b. Providing at least one software control on the electronic main page (Fig. 2, #22 and #28; tabs) for selecting between said first and second browser components (col. 4, lines 25-40);

c. Displaying the downloaded electronic main page (Fig 1), wherein said first browser component is active and displays a said first electronic page (col. 4, lines 25-60), and said second browser component is inactive and does not display said second electronic page (in Fig. 2A, the topics bulleted list electronic page is shown, while the news and people bulleted list electronic pages are hidden), and wherein activation of the software control results in said second browser component becoming active and displaying a said second electronic page (Fig. 2B).

8. For claim 19, Katinsky teaches an electronic main page (abstract) configured to display a plurality of electronic web pages to a user (col. 1, line 1 – col. 3, line 5; col. 3, lines 45-50), comprising:

a. A first browser component (Fig. 1, #12 in view of Fig. 2, #22) configured to download (col. 10, lines 15-20) and display a first electronic web page to the user (Fig. 2A);

b. A second browser component (Fig. 2, #22 and #28) configured to download (col. 10, lines 15-20) and display a second electronic web page to the user (Figs. 2B and 2C);

- c. A first software control (Fig. 2, #22) configured to activate said first browser component and display said first electronic web page (col. 4, lines 25-60), wherein said first software control deactivates said second browser component (in Fig. 2A, the topics bulleted list electronic page is shown, while the news and people bulleted list electronic pages are hidden); and
  - d. A second software control (Fig. 2, #28) configured to activate said second browser component and display said second electronic web page (Fig. 2B), while deactivating said first browser component (in Fig. 2B, the news page is shown, while the topics page is hidden).
9. For claims 2, 11, Katinsky teaches that the main page is written in the Hypertext Markup Language (HTML) (col. 4, lines 20-22).
10. For claims 4, 13, Katinsky teaches that the browser program is the Microsoft Internet Explorer browser program (col. 4, line 24).
11. For claims 8, 17, Katinsky teaches that the software control is configured to store variable data to the client computer (col. 10, line 15 – col. 11, line 15; i.e. the storage of cookies to the client).
12. For claims 9, 18, Katinsky teaches that the first and second browser components are part of a single software control (col. 9, lines 35-60).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katinsky as applied to claims 1 and 10 above, and further in view of the MSHTML API Overview.

15. For claims 3, 12, Katinsky does not expressly disclose that the first and second browser components comprise the Microsoft HTML parsing and rendering engine, but does disclose that the browser is an Internet Explorer browser that utilizes Java applets (col. 4, lines 22-24). The API Overview teaches that "The Microsoft HTML parsing and rendering engine (MSHTML) is the main HTML component of the Microsoft Internet Explorer Web browser (P. 1, Para. 1)," and further that the Sysgen variables that control the Internet Explorer MSHTML/DHTML API functionality includes "Sysgen\_MSHTML" for providing "core browser functionality including display and layout, HTML editing forms, cookies, java language applet support, etc. (Table 3)" At the time the invention was made, one of ordinary skill in the art would have recognized that the MSHTML component is necessary for adequate operation of the IE browser, and further for adequate functionality of Java components.

16. Claims 5-7, 14-16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katinsky as applied to claims 1, 10, and 19 above, and further in view of Edwards et al. (6,952,799).

17. For claims 5, 14, Katinsky does not expressly disclose that the software control is an Active X control. Katinsky does disclose the usage of Java software controls (col. 4, line 22). Edwards teaches a method and system (abstract) of utilizing tab methods to switch between web pages (col. 1, line 1 – col. 4, line 56), wherein said software controls may be implemented in

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Java or ActiveX (col. 19, lines 28-32). At the time the invention was made, one of ordinary skill in the art would have added ActiveX programming to Katinsky for aesthetic reasons, and to provide Katinsky with greater navigation and data-sharing abilities (col. 19, lines 35-40).

18. For claims 6, 15, Katinsky teaches that the software control is a command button control (Fig. 4, #46 and #48). Katinsky teaches a second portion of the electronic main page (Fig. 1, #14) wherein multiple pages are downloaded (col. 8, lines 25-40; electronic playlists created by the user or a site manager) and wherein the user may utilize said buttons to switch between displays of electronic pages (col. 5, lines 35-55).

19. For claims 7, 16, 20, Katinsky teaches that the software control appears as a tab within the browser program (Fig. 2A, #22 and #28), and wherein the electronic main page displays a first tab associated with the first browser component and a second tab associated with the second browser component (col. 4, lines 25-40).

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They disclose further teachings regarding the downloading and/or prefetching of multiple pages, and the selection to display of one of said pages. Many also deal with the population of data into a second page, wherein said data reflects changes made within a first page.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP  
27 April 2006



Melvin H. Pollack  
AU 2145